

Gary S. Fish, Esq. (GSF 6551)
Attorney for the Plaintiff
15 Maiden Lane, Suite 2000
New York, New York 10038
(212) 964-5100

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X CASE NO.:
GEORGE BESHARA,

PLAINTIFF,

PLAINTIFF'S COMPLAINT

-against-

THE CITY OF NEW YORK; POLICE OFFICER AIDA
DEJESUS, "JOHN DOE" AND "RICHARD ROE"

(Plaintiff Demands a Trial by
Jury of all issues herein)

DEFENDANTS.

-----X

The plaintiff, by and through his attorney Gary S. Fish, Esq., sets forth the following
as his Complaint against defendants herein.

I. PARTIES AND JURISDICTION

1. On or about March 14, 2016, and at all times relevant herein, the plaintiff, a US citizen,
resided and resides at 450 95th Street, Brooklyn, New York.
2. On or about March 14, 2016, and at all times relevant herein, on information and
belief, defendant The City of New York, was and is a municipal corporation lawfully organized
and existing under the laws of the State of New York, and on said date and all times relevant
herein, said defendant had and has a principal place of business located at 530 Municipal
Building, NY, NY 10007.

3. On or about March 14, 2016, and at all times relevant herein, on information and belief defendant Police Officer Aida DeJesus was a police officer assigned to the 68th Precinct, Brooklyn, New York, and on said date and at all times relevant herein, each act of wrongdoing herein after alleged to have been committed by this defendant was committed within the scope of her agency and/or authority and/or employment on behalf of defendant The City of New York.

4. On or about March 14, 2016, and at all times relevant herein, defendants “John Doe” and “Richard Roe” whose true identities are presently unascertained, were and are police officers assigned to the 68th Precinct, Brooklyn, New York, and each act of wrongdoing herein after alleged to have been committed by said defendants was committed within the scope of their agency and/or authority and/or employment on behalf of the defendant The City of New York.

5. Pursuant to 28 U.S.C. Section 1343(a) (3), the Federal Court herein has original jurisdiction to redress the deprivation of civil rights under color of any law, statute, ordinance of any right, privilege, or immunity secured by the U.S. Constitution, providing for equal rights of citizens or of all persons within U.S. jurisdiction, and jurisdiction exists under the alleged below stated Fourth Amendment violation and/or Fourteenth Amendment violations herein.

6. Pursuant to 28 U.S.C. Section 1391(b) in a case where jurisdiction is not solely founded on diversity jurisdiction, such as the present case, venue is proper where the defendant resides or a judicial district where a substantial part of the events giving rise to the claim occurred, and venue is proper therefor in the United States District Court, Eastern District of New York.

COUNT I
(VIOLATION OF FOURTH AMENDMENT)

7. On or about March 14, 2016, at approximately 800PM, while the plaintiff was lawfully traversing on or near 82nd and 5th Avenue, Brooklyn, New York the defendants without probable cause and without a warrant, arrested him, for, inter alia, for attempted assault.

8. The unlawful search and unlawful seizure in violation of the Fourth Amendment to the U.S. Constitution, was wrongful, intentional, without justification and/or probable cause, and denied the plaintiff equal rights, protection and privileges under law, in one or more of the following ways, in that: (a) police documentation prepared by defendant DeJesus, The Complaint Room Screening Sheet, plaintiff Exhibit "1" shows that plaintiff was attacked by an autistic 7 year old boy (Maxim Shermata (sic)), who punched him in the stomach, and that plaintiff who was taken to Lutheran Hospital for chest pains, was the real victim, and not one Sagarashvilli (sic) who refused medical treatment; (b) the defendants selectively arrested plaintiff for alleged assault, whereas the assaulting individual, Sagarashvilli, was not so charged; ©) The Prisoner Movement slip generated by defendant DeJesus, plaintiff Exhibit "2", shows a diamond shaped laceration to the right side of plaintiff's face, whereas the EDP sheet, plaintiff Exhibit "3" generated by defendant DeJesus states that complaining victim sustained no visible injury and refused medical treatment on the scene and refused medical treatment at the 68th Precinct.; (d) The 3-15-16 Property Clerk Invoice, plaintiff Exhibit "4" generated by defendant DeJesus shows that an undamaged blue umbrella was then invoiced by defendant DeJesus, whereas the subject complaint, plaintiff Exhibit "5" signed by defendant DeJesus on April 4, 2016 approximately 21 days following the subject 3-14-16 incident expressly

states that the subject umbrella was destroyed, and that complaining victim Sagarashvilli (sic) sustained substantial injury on 3-14-16; (e) any damage occurring on or about 4-4-16 to the subject blue umbrella which was taken into police invoice on or about 3-15-16, plaintiff Exhibit "4" constituted destruction of evidence by defendant DeJesus, defendants "John Doe" and "Richard Roe" the 68th Precinct, Brooklyn, New York and defendant The City of New York in an attempt to create false evidence and/or charges against plaintiff; and (f) The 4-4-16 criminal complaint sworn to under oath by defendant DeJesus falsely, deliberately, maliciously, and perjurally concocted four (4) personal injury related crimes and three (3) property damage crimes against plaintiff.

9. As a result of the subject Fourth Amendment violations, the plaintiff sustained loss of liberty.

10. As a result of defendants' violations of the Fourth Amendment, the plaintiff was caused to incur and will incur reasonable attorney fees and costs.

11. As a result of defendants' violations of the Fourth Amendment, plaintiff was caused to incur and will incur emotional pain and suffering, including anxiety, distress, humiliation and sadness.

12. As a result of defendants' violations of the Fourth Amendment, a criminal complaint Docket #2016KNO20608, was brought against plaintiff, which complaint was dismissed on or about November 18, 2016, Criminal Court of City of New York, County of Kings, 120 Schermerhorn Street, Brooklyn, NY 11201.

COUNT II
(DENIAL OF EQUAL PROTECTION AND DUE PROCESS
IN VIOLATION OF FOURTEENTH AMENDMENT)

13. Plaintiff herewith repeats, restates and realleges Paragraphs 1-12 herein above.
14. The aforesaid deliberate and/or unlawful and/or unconstitutional practices by defendants violated plaintiff's Fourteenth Amendment rights to equal protection and/or due process of law, and plaintiff thereby sustained the above injuries and damages.

COUNT III
(MALICIOUS PROSECUTION-ANCILLARY JURISDICTION)

15. Plaintiff herewith repeats, restates and realleges Paragraphs 1-14 herein above.
16. The subject state malicious prosecution claim arises out of the same factual particulars as pertains to the subject 3-14-16 Fourth Amendment and Fourteenth Amendment violations herein, and the Court has ancillary jurisdiction over the malicious prosecution claim.
17. The criminal prosecution of plaintiff was done intentionally, maliciously, without probable cause, was dismissed on or about 11-18-16 by the Court, because the People could not prove their case beyond a reasonable doubt and was thereby favorably terminated; Certificate of Disposition, plaintiff Exhibit "6". The CPL Section 160.50 unsealing authorization duly executed and notarized is hereby attached as plaintiff Exhibit "7".
18. The criminal prosecution of plaintiff was done egregiously, heinously, opprobriously, in a manner calculated to and that did damage plaintiff's liberty rights, and defendants are liable for punitive and exemplary damages as a result thereof.
19. On or about December 19, 2016, Claim #2016PI029781, plaintiff timely and properly served

by way of certified mail/return receipt an amended notice of claim herein.

20. On January 23, 2017, a 50-h hearing of plaintiff (then claimant) was held and completed at Law Office of Jeffrey Samel, 150 Broadway, NY, NY, and plaintiff has fulfilled any conditions precedent herein to filing the subject state claim sounding in malicious prosecution.

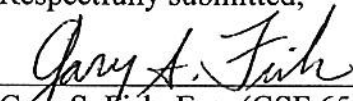
WHEREFORE, plaintiff prays for relief as follows:

AS AND FOR EACH OF THE FIRST, SECOND AND THIRD COUNTS:

1. For general damages in the amount of Twenty Five Million Dollars and Zero Cents (\$25,000,000.00);
2. For punitive and exemplary damages in the amount of One Hundred Million Dollars and Zero Cents (\$100,000,000.00);
3. For reasonable attorney fees and costs;
4. For disbursements; and
5. For any other just relief deemed proper by the Court.

DATED: NEW YORK, NEW YORK
JANUARY 31, 2017

Respectfully submitted,



Gary S. Fish, Esq. (GSF 6551)
Attorney for the Plaintiff
15 Maiden Lane, Suite 2000
NY, NY 10038; (212) 964-5100



KENNETH P. THOMPSON
District Attorney

OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY

RENAISSANCE PLAZA at 350 JAY STREET
BROOKLYN, N.Y. 11201-2908
(718) 250-2000

Complaint Room Screening Sheet

FOOP -
DNA sample offense

Screening date: April 04, 2016
180.80 Date:
GJ Date:

GJ Time:

Bureau: Trial Bureau 2 - Blue

Narcotics: ☒

Defendants

Name - Last, First	Arrest Number	Sex	DOB	Age	Complaint/DP	Class	
BESHARA, GEORGE	K16618770	M		069	1	Misdemeanor	NON Grand Jury
Gang member <input type="checkbox"/>							

TPOs

Date/Time	Place	PCT	Near School (if narcotics sale)
1 03/14/16 19:30 to:	5 AVENUE AND 82 STREET	089	<input type="checkbox"/>

Arrests

Defendant	Date/Time	Place
BESHARA, GEORGE	03/14/16 20:26	5 AVENUE 82 STREET
Circumstances:		
Arrest Charges: PL 1200001 PL 1450001		

Complaint Charges

BESHARA, GEORGE TPO 1 PL 165.40, PL 120.15, PL 145.00(1), PL 155.25, PL 240.26(1), PL 110/120.00(1), PL 260.10(1)

DAT // DEF. TOOK CW-1'S (7 YEAR OLD CHILD) UMBRELLA AND PUSHED CW-2

TPO IS A PUBLIC STREET.
CW-1 IS AN AUTISTIC CHILD (7 YEARS OLD).
EW IS CW-1'S MOTHER.
CW-2 IS EW'S FRIEND.
CW-1, CW-2, AND EW ARE STRANGERS TO DEF.

AT TPO, CW-1 STRUCK DEF. ABOUT THE STOMACH.
DEF. SHOUTED AT CW-1.
CW-2 AND DEF. HAD A VERBAL ARGUMENT.
MULTIPLE BYSTANDERS CALLED 911.
DEF. TOOK CW-1'S UMBRELLA FROM CW-1'S HAND.
DEF. BROKE SAID UMBRELLA ON DEF.'S LEG.
DEF. THEN PUSHED CW-2, CAUSING CW-2 TO FALL AND STRIKE CW-2'S HEAD ON THE SIDEWALK.
AO ARRIVED

ANOTHER PD UNIT WAS ALREADY ON SCENE.
DEF. MADE NO STATEMENTS TO AO.
AO ARRESTED DEF.

DEF. COMPLAINED OF CHEST PAIN, TRANSPORTED TO LUTHERAN HOSPITAL (TREATED AND RELEASED).
CW COMPLAINED OF PAIN AND RMA.

CW-1'S DATE OF BIRTH [REDACTED]

Witnesses:

Name	Age/Gender	Defendant	Relationship to Defendant
[REDACTED]		GEORGE BESHARA	Stranger
[REDACTED]		GEORGE BESHARA	Stranger
[REDACTED]		GEORGE BESHARA	Stranger

Injuries -

Description of Injuries: PAIN TO HEAD

Medical Treatment ☐ Date: 00/00/00 Hospital:

Medical Treatment Description:

Photo taken ☐

Identifications

Defendant	TPO	Witness Type	Date/Time	Place	Police Officer Present
BESHARA, GEORGE	1	Victim/Eyewitness	3/14/16 20:10	5 AVENUE AND 82 ST AIDA DE JESUS, shield:27135, CMD:088	
Type of ID Procedure: Point-Out					
BESHARA, GEORGE	1	Victim/Eyewitness	3/14/16 20:10	5 AVENUE AND 82 ST AIDA DE JESUS, shield:27135, CMD:088	
Type of ID Procedure: Point-Out					
Outcome: Positive Identification					

Arrest Number: K16618770
Filed: 4/4/2016

Plaintiff Exhibit "1"



NYPD PETS PROPERTY AND EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. 3000638576

Invoicing Command **68TH PCT.** Invoice Status **OPEN**

Invoice Date **03/15/2016** Property Type **GENERAL PROPERTY** Property Category **ARREST EVIDENCE**

Officers	Rank	Name	Tax No.	Command	
Invoicing	POF	DEJESUS, AIDA	[REDACTED]	68TH PRECINCT	OCME, EU No.
Arresting	POF	DEJESUS, AIDA	[REDACTED]	68TH PRECINCT	OCME, FB No.
Investigating	N/A				Police Lab Evid. Crt. No.
Det Squad Supervisor	N/A				Det Sqd. Case No.
CSU/ECT Processing	N/A				CSU/ECT Run No.

Item	Total QTY	Article(s)	PETS No.	Pts. QTY	Disposition
1	1	UMBRELLA COLOR: BLUE	1300348518	1	

REMARKS:
948217 03/15/2016 02:43 : VOUCHERED AS ARREST EVIDENCE

Date Of Incident	Penal Code/Description	Crime Classification	Related To	Receipt
03/14/2016	12000/ASSAULT	MISDEMEANOR	N/A	REFUSED

Pisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSPD No.
1 BESHARA, GEORGE	[REDACTED]	69	[REDACTED]	K16518770	[REDACTED]

Name	Tax No.	Address	Phone No.
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Finder(s)

Owner(s)

Complainant(s)

Complaint No. 2016-068-01345
Related Comp No.(s) N/A
Aided/Accident No.(s) N/A
Related Invoice(s) N/A

Approvals	Rank	Name	Tax No.	Command	Date	Time
Entered By	POF	DEJESUS, AIDA	[REDACTED]	68TH PRECINCT	03/15/2016	02:41
Invoicing Officer	POF	DEJESUS, AIDA	[REDACTED]	68TH PRECINCT	03/15/2016	02:46
Approved By	SGT	ROSA, ANGEL	[REDACTED]	68TH PRECINCT	03/15/2016	02:46



Invoice No. 3000638576

ADA Copy
printed: 03/15/2016 02:46

PCD Storage No. —

Page No. 1 of 2

Plaintiff Exhibit "4"

CRIMINAL COURT OF THE CITY OF NEW YORK
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK
COUNTY OF KINGS

v

GEORGE BESHARA

POLICE OFFICER AIDA DEJESUS, SHIELD NO. 27135, OF 066 COMMAND, SAYS THAT ON OR ABOUT ~~MARCH 14, 2016~~ AT APPROXIMATELY 07:30 PM AT 5 AVENUE AND 82 STREET COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 145.00(1)	CRIMINAL MISCHIEF IN THE FOURTH DEGREE
PL 155.25	PETIT LARCENY (DQO)
PL 165.40	CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE
PL 260.10(1)	ENDANGERING THE WELFARE OF A CHILD (DQO)
PL 110/120.00(1)	ATTEMPTED ASSAULT IN THE THIRD DEGREE (DQO)
PL 120.15	MENACING IN THE THIRD DEGREE (DQO)
PL 240.26(1)	HARASSMENT IN THE SECOND DEGREE

IN THAT THE DEFENDANT DID:

WITH INTENT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON, ATTEMPT TO CAUSE SUCH INJURY TO SUCH PERSON OR TO A THIRD PERSON; BY PHYSICAL MENACE, INTENTIONALLY PLACE OR ATTEMPT TO PLACE ANOTHER PERSON IN FEAR OF DEATH, IMMINENT SERIOUS PHYSICAL INJURY OR PHYSICAL INJURY; HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT THE DEFENDANT HAD SUCH RIGHT, INTENTIONALLY DAMAGE PROPERTY OF ANOTHER PERSON; STEAL PROPERTY; KNOWINGLY POSSESS STOLEN PROPERTY WITH THE INTENT TO BENEFIT THE DEFENDANT OR A PERSON OTHER THAN AN OWNER THEREOF OR TO IMPEDE THE RECOVERY BY AN OWNER THEREOF; WITH INTENT TO HARASS, ANNOY OR ALARM ANOTHER PERSON, STRIKE, SHOVE, KICK OR OTHERWISE SUBJECT SUCH OTHER PERSON TO PHYSICAL CONTACT, OR ATTEMPT OR THREATEN TO DO THE SAME; KNOWINGLY ACT IN A MANNER LIKELY TO BE INJURIOUS TO THE PHYSICAL, MENTAL OR MORAL WELFARE OF A CHILD LESS THAN SEVENTEEN YEARS OLD OR DIRECT OR AUTHORIZE SUCH CHILD TO ENGAGE IN AN OCCUPATION INVOLVING A SUBSTANTIAL RISK OF DANGER TO HIS OR HER LIFE OR HEALTH.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

DEPONENT IS INFORMED BY [REDACTED] THAT, AT THE ABOVE TIME AND PLACE, THE INFORMANT OBSERVED DEFENDANT TAKE THE UMBRELLA OF [REDACTED] BREAK SAID UMBRELLA OVER DEFENDANT'S LEG, AND PUSHED INFORMANT CAUSING INFORMANT TO STRIKE INFORMANT'S HEAD ON THE GROUND.

DEPONENT IS FURTHER INFORMED BY THE INFORMANT THAT THE ABOVE DESCRIBED ACTIONS CAUSED INFORMANT TO SUFFER SUBSTANTIAL PAIN, TO FEAR FURTHER PHYSICAL INJURY, AND TO BECOME ALARMED AND ANNOYED.

DEPONENT IS INFORMED BY ORRYSLVA MUDRA THAT INFORMANT IS THE MOTHER OF [REDACTED] AND THAT [REDACTED] S DATE OF BIRTH IS [REDACTED]

THE DEPONENT IS FURTHER INFORMED BY INFORMANT [REDACTED] THAT INFORMANT IS THE CUSTODIAN OF THE ABOVE-DESCRIBED UMBRELLA AND DEFENDANT HAD NEITHER PERMISSION NOR AUTHORITY TO DAMAGE THAT PROPERTY, AND THAT THE DEFENDANT HAD NEITHER PERMISSION NOR AUTHORITY TO TAKE, USE, OR OTHERWISE EXERCISE DOMINION OR CONTROL OVER SAID UMBRELLA.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

DATE 4/11/16 SIGNATURE [Signature]

Plaintiff Exhibit "5"

Chen # 2016 PE029981

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF KINGS

CERTIFICATE OF DISPOSITION
NUMBER: 58477

THE PEOPLE OF THE STATE OF NEW YORK
VS

BESHARA, GEORGE
Defendant

[REDACTED]
Date of Birth

[REDACTED]
Address

[REDACTED]
NYSID Number

BROOKLYN NY
City State Zip

03/14/2016
Date of Arrest/Issue

Docket Number: 2016KN020608

Summons No:

145.00 155.25 165.40 260.10 110-120.00 120.15 240.26
Arraignment Charges

Case Disposition Information:

Date Court Action
11/18/2016 DISMISSED - MOTION OF DA

Judge
GERSTEIN, M

Part
TRIAL1

SEALED

pursuant to Section 160.50 of the CPL

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

KUSHNIR, [Signature]
COURT OFFICIAL SIGNATURE AND SEAL

01/25/2017
DATE

FEE: 10.00

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

Plaintiff Exhibit "6"

JS 44 (Rev. 07/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

Kings County

(c) Attorneys (Firm Name, Address, and Telephone Number)

Gary S. Fish, Esq., (212) 964-5100, 15
Maiden Lane, #200, NY, NY 10038

DEFENDANTS

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Corporation Counsel, City of New York, 100
Church Street, NY, NY 10007

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ 2 Incorporated or Principal Place of Business in This State ☐ 4 ☒ 5
Citizen of Another State ☐ 2 ☐ 3 Incorporated and Principal Place of Business in Another State ☐ 3 ☐ 4
Citizen or Subject of a Foreign Country ☐ 1 ☐ 3 Foreign Nation ☐ 6 ☐ 7

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Debt/Unpaid Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 191 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Aerospace Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Writ/Habeas 28 USC 157 INTELLECTUAL PROPERTY <input type="checkbox"/> 820 Copyright <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark OTHER STATUTES <input type="checkbox"/> 861 IIIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (403(g)) <input type="checkbox"/> 864 ERISA Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TRADE COMMISSION <input type="checkbox"/> 870 Teves (11.3 Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 OTHER STATUTES <input type="checkbox"/> 875 False Claims Act <input type="checkbox"/> 876 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 880 RICO <input type="checkbox"/> 890 Antitrust <input type="checkbox"/> 895 Banks and Banking <input type="checkbox"/> 896 Commerce <input type="checkbox"/> 897 Deportation <input type="checkbox"/> 898 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 899 Consumer Credit <input type="checkbox"/> 900 Cable/ATV <input type="checkbox"/> 905 Securities/Commodities Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
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V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (Specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless necessary)

Fourth and Fourteenth Amendments
Brief description of cause: Plaintiff was falsely arrested on March 14, 2016

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.C.P.

DEMAND \$

125,000.00

CHECK YRS only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

1:17 cv-00803

DATE March 2, 2017

SIGNATURE OF ATTORNEY OF RECORD

99 A-521 (657 6551)

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLICANT JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Gary J. Fish, counsel for Plaintiff, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☒ monetary damages sought are in excess of \$150,000, exclusive of interest and costs.
- ☐ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

None

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is 'related' to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed 'related' to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be 'related' unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? No
- b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? N/A

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

- ☒ Yes ☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

- ☐ Yes (If yes, please explain) ☒ No

I certify the accuracy of all information provided above.

Signature: Gary J. Fish
Gary J. Fish, esq.